

LSK&D #: 104-7703 / 1070615
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
YEVGENIY DIKLER,

Plaintiff,

-against-

THE CITY OF NEW YORK, DETECTIVE
MICHAEL VISCONTI shield #06482,
SECURITY OFFICER WILSON VEGA, HWA
INC.,

Defendant.
-----X

Docket No.: 07 CIV 5984

**AFFIRMATION IN
SUPPORT OF MOTION
FOR SUMMARY
JUDGMENT**

John Tarnowski, Esq., an attorney duly admitted to practice law before the Courts of the State of New York, hereby affirms the following to be true under the penalties of perjury:

1. I am an associate attorney of the law firm of LESTER SCHWAB KATZ & DWYER, LLP, attorneys for defendant WILSON VEGA and HWA INC.. I am fully familiar with the facts and circumstances as set forth herein. This affirmation, as well as the accompanying Rule 56 Statement and Memorandum of Law are submitted in support of the instant motion for summary judgment submitted by defendants WILSON VEGA and HWA INC. and seeking sanctions and costs pursuant to Rule 11.

2. This motion is submitted based upon the fact that plaintiff's alleged causes of action do not form the basis of a claim upon which relief may be granted against defendants HWA, Inc. and Wilson Vega.

3. Annexed as Exhibit "A" is a copy of plaintiff's Complaint dated, June 22, 2007.

4. Annexed as Exhibit "B" is a copy of the Answer of defendants HWA, Inc. and Wilson Vega dated, August 2, 2007.

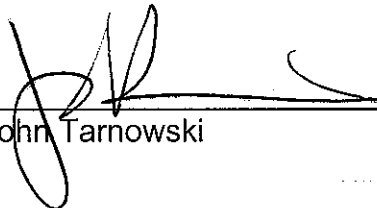
5. Annexed as Exhibit "C" is a copy of the deposition transcript of Plaintiff Yevgenty Dikler dated, April 2, 2008.

6. Annexed as Exhibit "D" is a copy of the deposition transcript of defendant Michael Visconti dated, May 21, 2008.

7. Annexed as Exhibit "E" is a copy of the deposition transcript of defendant Wilson Vega.

Based upon the annexed Memorandum of Law and Exhibits "A" through "E", inclusive, defendants HWA, Inc. and Wilson Vega respectfully request that this motion be granted in its entirety.

Dated: New York, New York
August 27, 2008



John Tarnowski


\Declaration of Service

I served the annexed **NOTICE OF MOTION, AFFIRMATION IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT AND MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS HWA, INC. AND WILSON VEGA' S MOTION FOR SUMMARY JUDGMENT** by first-class mail on the following persons on August 28, 2008:

DAVID A. ZELMAN, ESQ.
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I declare under penalty of perjury that the foregoing is true and correct. Executed on August 28, 2008.



MARY E. MAGEE